FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5361 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. V.V. Purwant for the petitioners.

Mr. A.P. Kulkarni for respondent 1.

CORAM: SMT. RANJANA DESAI, J.

DATED: 15TH SEPTEMBER, 2005.

P.C.:-

The appellants in Civil Appeal No.55 of 2003 pending on the file of the IInd Additional District Judge, Baramati, have challenged in this writ petition the order refusing to grant stay to the judgment and decree passed in R.C.S. No.140 of 1998 dated 12/12/2002. One of the reasons which has weighed with the learned judge while passing the said order is that respondent 1 is about 65 years old. If the learned judge has rejected the

application praying for stay, it is only proper that he disposes of the said civil appeal expeditiously and, at any rate, within a period of one month from the date of receipt of this order by him. Hence, the following order.

O R D E R

The IInd Additional District Judge, Baramati, shall hear and dispose of Civil Appeal No.55 of 2003 within a period of one month from the date of receipt of this order by him. Both parties shall co-operate and not ask for adjournment and ensure expeditious disposal of the appeal. Till such time as the appeal is heard and disposed of, the execution of the impugned decree in R.C.S. No.140 of 1998 dated 12/2/2002 passed by Joint Civil Judge, Junior Division, Baramati is stayed so far as it relates to delivery of possession of the suit property. Rest of the execution may proceed.

It is clarified that while passing this order, this court has not considered the merits of the case and the lower appellate court shall deal with the appeal independently on its own merit.

The writ petition is disposed of.

(SMT. RANJANA DESAI, J.)